

1 Rule 60. Judicial bypass appeals.

2 (a) Scope. This rule applies to an appeal from an order denying or dismissing a  
3 petition filed by a minor to bypass parental consent to an abortion under Utah Code  
4 Ann. § 76-7-304.5. In such appeals, this rule supercedes the other appellate rules to the  
5 extent they may be inconsistent with this rule.

6 (b) Jurisdictional limitation. This rule does not permit an appeal to be taken in any  
7 circumstances in which an appeal would not be permitted by Rule 3.

8 (c) Notice of appeal.

9 (c)(1) A minor may appeal an order denying or dismissing a petition to bypass  
10 parental consent by filing a notice of appeal in the juvenile court within ~~three judicial~~  
11 ~~days after entry of the order~~ the time allowed under Rule 4. The notice of appeal may be  
12 filed in person, by mail, or by fax, and must be accompanied by a copy of the order from  
13 which the appeal is taken. No filing fee will be charged. The clerk of the juvenile court  
14 shall immediately notify the clerk of the court of appeals that the appeal has been filed.

15 (c)(2) The notice of appeal must indicate that the appeal is being filed pursuant to  
16 this rule, but the court will apply this rule to cases within its scope whether they are so  
17 identified or not.

18 (c)(3) Blank notice of appeal forms will be available at all juvenile court locations and  
19 will be mailed or faxed to a minor upon request. No fee will be charged for this service  
20 or other services provided to a minor in an appeal under this rule.

21 (d) Record on appeal. The record on appeal consists of the juvenile court file,  
22 including all papers and exhibits filed in the juvenile court, and a recording or transcript  
23 of the proceedings before the juvenile court. The clerk of the court of appeals shall  
24 request the record immediately upon receiving notice that the appeal has been filed.  
25 Upon receiving this request, the clerk of the juvenile court shall immediately transmit the  
26 record to the court of appeals by overnight mail or in another manner that will cause it to  
27 arrive within 48 hours after the notice of appeal is filed.

28 (e) Brief. A brief is not required. However, the minor may file a typewritten  
29 memorandum in support of the appeal. The memorandum shall be submitted within two  
30 judicial days after the notice of appeal is filed.

31 (f) Oral argument. If ordered by the court, oral argument will be held within three  
32 judicial days after the notice of appeal is filed. The court of appeals clerk will  
33 immediately notify the minor of the date and time for oral argument. Upon request, the  
34 minor will be allowed to participate telephonically at court system expense.

35 (g) Disposition. The court shall enter an order stating its decision immediately after  
36 oral argument or, if oral argument is not held, within three judicial days after the date the  
37 notice of appeal is filed. The clerk shall immediately notify the minor of the decision. The  
38 court may issue an opinion explaining the decision at any time following entry of the  
39 order. The opinion shall be written to ensure the confidentiality of the minor.

40 (h) Confidentiality. Documents and proceedings in an appeal under this rule are  
41 confidential. Court personnel are prohibited from notifying the minor's parents, guardian,  
42 or custodian that the minor is pregnant or wants to have an abortion, or from disclosing  
43 this information to any member of the public.

44 (i) Attorney. If the minor is not represented by an attorney, the court shall consider  
45 appointing an attorney or the Office of Guardian ad Litem to represent the minor in the  
46 appeal. If an attorney or the Office of Guardian ad Litem was appointed to represent the  
47 minor in the trial court, the appointment continues through appeal.

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